

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF INDIANA  
INDIANAPOLIS DIVISION**

NORMAN W. BERNSTEIN and  
PETER M. RACHER, as Trustees  
of the Third Site Trust Fund,

Plaintiffs

Case No. 1:08-cv-0427-RLY-DML  
Hon. Richard L. Young  
Magistrate Judge Debra McVicker Lynch

v.

PATRICIA A. BANKERT, individually, and in  
her capacity as Personal Representative of the  
Estate of Jonathan W. Bankert, Sr, JONATHAN  
W. BANKERT, JR, GREGORY BANKERT,  
ROBERT H. BANKERT, KATHERINE L. BANKERT,  
CYNTHIA A. RUSSELL, ENVIROCHEM  
CORPORATION, AUTO OWNERS MUTUAL  
INSURANCE COMPANY, GREAT AMERICAN  
EXCESS AND SURPLUS INSURANCE COMPANY,  
ROCKWOOD INSURANCE COMPANY OF  
INDIANA, and GATEWAY INSURANCE COMPANY,

Defendants

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**NOTICE OF APPEAL**

Pursuant to Fed. R. App. P. 3 and 4(a)(3), notice is hereby given that Defendant Auto Owners Mutual Insurance Company hereby appeals to the U.S. Court of Appeals for the Seventh Circuit from the “Entry Denying Auto-Owners’ Motion for Summary Judgment” [Docket No. 156] entered on March 16, 2010.

Dated: March 7, 2011

Respectfully submitted,  
/s/ John A. Yeager  
John A. Yeager  
Leon J. Letter  
Willingham & Côté, P.C.  
Co-Counsel for Defendant Auto-Owners  
333 Albert Ave, Suite 500  
East Lansing, MI 48823

-and-

David L. Taylor  
Jeffrey Ferrand  
Jennings Taylor Wheeler & Haley, P.C.  
Co-Counsel for Defendant Auto-Owners  
11711 N. Pennsylvania Street, Suite 250  
PO Box 1710  
Carmel, Indiana 46082-1710

### **CERTIFICATE OF SERVICE**

I hereby certify that on March 7, 2011, I electronically filed the foregoing with the Clerk of the court using the CM/ECF system which sent notification of such filing to the following:

George M. Plews  
Frederick D. Emhardt  
Jonathan P. Emenhiser  
Plews Shadley Racher & Braun LLP  
1346 North Delaware Street  
Indianapolis, IN 46202-2415  
E-mail: emhardt@psrb.com  
Attorneys for Plaintiffs

Barry C. Cope  
James P. Strenski  
Bingham McHale, LLP  
10 West Market Street  
Market Tower, Suite 2700  
Indianapolis, IN 46204  
E-mail: bcope@binghammchale.com  
E-mail: jstrenski@binghammchale.com  
Attorneys for Defendant Rockwood Insurance  
Company of Indiana

S. Gregory Zubek  
Whitman Hebenstreit & Zubek  
151 North Delaware Street, Suite 2000  
Indianapolis, IN 46204  
E-mail: sgz@whzlaw.com  
Attorneys for Defendants Bankerts and  
Russell

David L. Taylor  
Jeffrey Ferrand  
Jennings Taylor Wheeler & Haley, P.C.  
11711 N. Pennsylvania Street, Suite 250  
PO Box 1710  
Carmel, Indiana 46082-1710  
E-mail: dtaylor@jtwlaw.com  
E-mail: jferrand@jtwlaw.com  
Attorneys for Defendant Auto-Owners Mutual  
Insurance Company

Lawrence D. Mason  
Segal McCambridge Singer & Mahoney  
233 South Wacker Drive, Suite 5500  
Chicago, IL 60606  
E-mail: lmason@smsm.com  
Attorneys for Gateway Insurance Company

Willis E. Huiras  
Davis & Sarbinoff, LLP  
9000 Keystone Crossing, Suite 600  
Indianapolis, IN 46240  
E-Mail: weh@d-slaw.com  
Attorneys for Defendants Patricia Bankert,  
Jonathan Bankert, Jr., Gregory Bankert,  
Robert H. Bankert, Katherine L. Bankert, and  
Cynthia A. Russell

Danford R. Due  
Due Doyle Fanning & Mertzger, LLP  
900 Circle Tower Building  
55 Monument Circle  
Indianapolis, IN 46204  
E-Mail: ddue@duedoyle.com  
Attorneys for Defendant Envirochem

/s/ John A. Yeager

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